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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,580	01/15/2004	Phillip C. Harris	2003-IP-011105UI	5915

7590 01/04/2006
Robert A. Kent
Halliburton Energy Services
2600 South 2nd Street
Duncan, OK 73536-0440

EXAMINER

FULLER, BRYAN A

ART UNIT PAPER NUMBER

3676

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/758,580

Applicant(s)

HARRIS ET AL.

Examiner

Bryan A. Fuller

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Period for Reply
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the applicant's amendment filed 10/28/2005. Claims 5 - 20 have been finally rejected.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 5 – 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Parris et al (6,011,075).

With respect to claims 5 – 7 and 10 - 12: Parris et al teaches in column 1, line 12 – column 7, line 15 a method of fracturing or treating a subterranean formation comprising the steps of: providing a reduced friction fracturing fluid comprising an aqueous liquid, carbon dioxide, and a polymer comprising acrylamide and an acrylamide copolymer derivative; placing the reduced friction fracturing fluid into a subterranean formation through a well bore at a pressure sufficient to create or extend at least one fracture therein; and, reducing the friction of the reduced friction fracturing fluid due to the step of placing the reduced friction fracturing fluid into the subterranean formation through the well bore. It is inherent that the friction is reduced due to the step of placing the reduced friction fracturing fluid into the subterranean formation through the well bore.

Additionally, the reference teaches a method wherein the polymer comprises from about 10-85% acrylamide and from about 15-90% of an acrylamide copolymer derivative, and more specifically wherein the polymer comprises 20-60% acrylamide and from about 40-80% of an acrylamide copolymer derivative.

With respect to claims 8 and 13: Parris et al teaches in column 4, line 60 – column 5, line 18 a method wherein the polymer further comprises acrylic acid.

With respect to claims 9 and 14: Parris et al teaches in column 1, lines 57 – 63 and in column 3, lines 31 – 51 a method wherein the reduced friction fracturing fluid further comprises proppant or particulates.

With respect to claims 17 and 19: Parris et al teaches in column 1, lines 52 – 67 a method wherein the reduced friction fracturing fluid is a foam, an emulsion, or a gel.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 15 – 16, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parris et al in view of Reddy et al (6,607,035).

With respect to claims 15 – 16, 18, and 20: Parris et al teaches the features as claimed except for wherein a specific acrylamide copolymer derivative. Reddy et al teaches in column 3, lines 51 – 64 the method wherein a specific acrylamide copolymer

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derivative. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Parris et al's invention in view of Reddy et al, because they are biodegradable and/or non-toxic.

Response to Arguments

5. Applicant's arguments with respect to claims 5 - 20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan A. Fuller whose telephone number is (571) 272-8119. The examiner can normally be reached on M - Th 7:30 - 5:00 and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian E. Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brian E. Glessner
Supervisory Patent Examiner
Art Unit 3676

baf